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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/678,549	10/04/2000	Rois O. Cordova	INTL-0473-US(P10020)	5766

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EXAMINER

KOROBOV, VITALI A

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/678,549	CORDOVA, ROIS O.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Vitali Korobov	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. This Office Action is in response to the documents submitted by the Applicant on 01/20/2006. Claims 1-26 are pending in this Office Action.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 6, 9-12, 16 and 19-26 are rejected under 35 U.S.C. 102(e) as being anticipated by the U. S. Patent No. 6,289,511 issued to Hubinette, hereinafter Hubinette.

Regarding claims 1, Hubinette teaches a method comprising: forwarding a software package including instructions to install said software package (Col. 4, lines 44 - transmission of a software package to be installed and the accompanying instructions) and a list of addressees to a first processor-based system (Col. 4, lines 44 - transmission of a software package with the accompanying assignment. Col. 7, lines 26-44 - content of the accompanying assignment); and enabling said first processor-based system to automatically install said package and automatically forward said software package together with at least part of said list of addressees to a second

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processor-based system, said second processor-based system being on said list of addressees (Col. 9, lines 58-62 - automatic execution of accompanying scripts).

Regarding claims 2, Hubinette teaches the method of claim 1 including enabling said first processor-based system to install said software package on said first processor-based system, make a copy of said software package, and transmit said software package to said second processor-based system (Col. 2, lines 35-50).

Regarding claims 6, Hubinette teaches the method of claim 1 including causing said first processor-based system forwards said software package to said second and a third processor-based system (Col. 7, lines 35-50).

Regarding claims 9, Hubinette teaches the method of claim 1 including transferring said software package together with software that enables said second processor-based system to transfer said software package to a third processor-based system (Col. 2, lines 35-50).

Regarding claims 10, Hubinette teaches the method of claim 1 including enabling said first processor-based system to forward said software package to said second processor-based system during a low activity time on said first processor-based system (Col. 7, lines 45-64 - distribution scheduling).

Claims 11 and 21 are rejected in view of the above rejection of claim 1. Claims 11 and 21 are essentially the same as claim 1, except that they set forth the invention as an article storing instructions and a system, respectively, rather than a method, as does claim 1.

Claim 12 is rejected in view of the above rejection of claim 2. Claim 12 is

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essentially the same as claim 2, except that it sets forth the invention as an article storing instructions, rather than a method, as does claim 2.

Claim 16 is rejected in view of the above rejection of claim 6. Claim 16 is essentially the same as claim 6, except that it sets forth the invention as an article storing instructions, rather than a method, as does claim 6.

Regarding claims 19, Hubinette teaches the article of claim 11 further storing instructions that enable the processor-based system to transfer said software package together with software that enables said first processor-based system to transfer said software package to said second processor-based system (Col. 7, lines 25-44).

Claim 20 is rejected in view of the above rejection of claim 10. Claim 20 is essentially the same as claim 10, except that it sets forth the invention as an article storing instructions, rather than a method, as does claim 10.

Regarding claims 22, Hubinette teaches the system of claim 21 wherein said device is a server (Abstract - CMS).

Regarding claims 23, Hubinette teaches the system of claim 22 wherein said server is a network management server (Abstract - CMS).

Regarding claims 24, Hubinette teaches the system of claim 21 wherein said device is a client (Abstract - S-NE).

Regarding claims 25, Hubinette teaches the system of claim 21 wherein said storage stores instructions to automatically transfer the software package, the list of addressees, and software to enable further distribution of the software package to additional processor-based systems (Col. 2, lines 35-50).

Regarding claims 26, Hubinette teaches the method of claim 1 including enabling said first processor-based system to automatically delete its address from the list of addressees before forwarding said list to said second processor-based system (Col. 7, lines 8-44. Modification of assignments by the NEs).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3-5, 7, 8, 13-15, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hubinette in view of the U. S. Patent No. 6,742,015 to Bowman-Amuah, hereinafter B-A.

Regarding claim 3, Hubinette teaches the method of claim 2.

Hubinette does not explicitly teach the method including causing said first processor-based system to automatically authenticate said software package.

However, B-A in an analogous art directed to providing base services in a netcentric environment, one of these services being software distribution, teaches the method of software distribution including causing said first processor-based system to automatically authenticate said software package (Col. 80, lines 59-64 - session level data authentication).

Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to incorporate the teachings of B-A into the teachings of Hubinette in order to provide additional features and enhancements to the software distribution system of Hubinette. Modified in such manner Hubinette is hereinafter referred to as modified Hubinette.

Regarding claims 4, modified Hubinette teaches the method of claim 3 including causing said second processor-based system to automatically authenticate said software package by sending a message to said first processor-based system (B-A, col. 80, lines 59-64 - session level data authentication).

Regarding claims 5, modified Hubinette teaches the method of claim 4 including forwarding said software package together with a checksum to enable the second processor-based system to confirm with the first processor-based system that the software package was received correctly (B-A, col. 91, lines 24-28 - error recovery using checksums).

Regarding claims 7, modified Hubinette teaches the method of claim 1 including encrypting the software package for transmission between said first and second processor-based systems (B-A, col. 80, lines 17-57 - encryption).

Regarding claims 8, modified Hubinette teaches the method of claim 7 including changing the encryption in a known fashion with each successive transfer from one to the next processor-based system (B-A, col. 80, lines 17-57 - encryption).

Claim 13 is rejected in view of the above rejection of claim 3. Claim 13 is essentially the same as claim 3, except that it sets forth the invention as an article

storing instructions, rather than a method, as does claim 3.

Claim 14 is rejected in view of the above rejection of claim 4. Claim 14 is essentially the same as claim 4, except that it sets forth the invention as an article storing instructions, rather than a method, as does claim 4.

Claim 15 is rejected in view of the above rejection of claim 5. Claim 15 is essentially the same as claim 5, except that it sets forth the invention as an article storing instructions, rather than a method, as does claim 5.

Claim 17 is rejected in view of the above rejection of claim 7. Claim 17 is essentially the same as claim 7, except that it sets forth the invention as an article storing instructions, rather than a method, as does claim 7.

Claim 18 does not teach or define any new limitations above claim 8, sets forth the invention as an article storing instructions, rather than a method, as does claim 8, and therefore is rejected under the same rationale.

4. **Examiner's note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.



***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objection made. Applicant must show how the amendments avoid such references and objections. See 37 CFR § 1.111(c).


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vitali Korobov whose telephone number is 571-272-7506. The examiner can normally be reached on Mon-Friday 8a.m. - 4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571)272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vitali Korobov  
Examiner  
Art Unit 2155

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